

REMARKS

Claims 1-5 are pending in this application.

Claims 1-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang (U.S. Patent No. 6,080,904) in view of Yori. Claims 1-5 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of Yori. These rejections are respectfully traversed.

The subject matter of claims 1-5 would not have been obvious over Chang and Yori, or over Zhang and Yori. The Examiner's assertion that the teaching of adding Pt/alumina to the SO_4^{-2} -ZrO₂ compound of Yori would have the same effect when being added to the catalyst of Chang (to provide a useful isomerisation catalyst as recited in claims 1-5) is unsupported. Yori does not teach or suggest addition of aluminum to a composition of zirconium oxide modified with tungsten oxyanion. Rather, Yori teaches addition of alumina to SO_4^{-2} -ZrO₂, which is a compound completely different from zirconium oxide modified with tungsten oxyanion.

Further, Yori states that Pt/aluminum has a pure activity and selectively in the isomerisation of C₄₊ (page 222, second paragraph). Thus, a person of ordinary skill in the art would not expect an enhanced catalytic activity by adding aluminum to the catalyst as disclosed in Chang. For at least the reasons above, the Examiner's assertion that a combination of the teachings of Yori and Zhang would render the catalyst of the claimed invention obvious is also unsupported.

Applicants submit that courts have recognized that "catalytic phenomena and chemical reactions are unpredictable." *See In re Jules Mercier*, 515 F.2d 1161 (Fed. Cir. 1975). The Federal Circuit specifically emphasized that:

The board's approach amounts, in substance, to nothing more than a hindsight 'reconstruction' of the claimed invention by relying on isolated teachings of the prior art without considering the over-all context within which those teachings are presented. Without the benefit of appellant's disclosure, a person having ordinary skill in the art would not know what portions of the disclosure of the reference to consider and what portions to disregard as irrelevant, or misleading.

In re Jules Mercier, 515 F.2d 1161 (Fed. Cir. 1975)

In view of the above, it is neither predictable nor obvious that the addition of one metal (selected from known catalytic materials) to a different catalytic material (as asserted by the Examiner) will retain similar properties when being incorporated in the other catalytic material.

Allowance of all pending claims is solicited.

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